

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

UNITED STATES OF AMERICA

V.

CRIMINAL NO. 3:06-CR-0133 HTW JCS

FRANKLIN OBERTO

**AMENDED ORDER OF DISMISSAL, WITH PREJUDICE,
ON SPEEDY TRIAL GROUNDS**

THIS CAUSE is before the Court on the motion of the defendant to reconsider this Court's order of dismissal based upon speedy trial grounds, which was entered without prejudice on November 1, 2007. The government opposed the motion but admits that there was a violation of the provision of the Speedy Trial Act, 18 U.S.C. §3161(c), which governs the time within which trial must commence following indictment. The Court, having considered the motion of the defendant, the admissions of the government, and the arguments presented to the Court by both parties during the hearings of this matter finds that the motion to reconsider should be granted and that the previous Order of Dismissal Without Prejudice should be amended to reflect that the dismissal is WITH PREJUDICE.

IT IS THEREFORE ORDERED, that the defendant's motion to reconsider the dismissal without prejudice is hereby GRANTED on the basis set forth herein, and the case is hereby dismissed WITH PREJUDICE.

SO ORDERED, this the 31st day of January, 2008.

s/ HENRY T. WINGATE

CHIEF UNITED STATES DISTRICT JUDGE